

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL NO. 2724 16-MD-2724 HON. CYNTHIA M. RUFE
<i>IN RE: CLOBETASOL CASES</i>	DPP CASE: 16-CB-27241 EPP CASE: 16-CB-27242
<i>IN RE: CLOMIPRAMINE CASES</i>	DPP CASE: 16-CM-27241 EPP CASE: 16-CM-27242
THIS DOCUMENT RELATES TO: <i>DPP AND EPP BELLWETHER ACTIONS</i>	

**ORDER APPROVING THE BELLWETHER PARTIES' JOINT STIPULATION
RELATED TO A STAY OF PROCEEDINGS PENDING RULE 23(F) APPEALS**

AND NOW, this 21st day of June 2025, upon consideration of the attached Bellwether Parties' Joint Stipulation Related to a Stay of Proceedings Pending Rule 23(f) Appeals, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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THIS DOCUMENT RELATES TO: <i>DPP AND EPP BELLWETHER ACTIONS</i>	HON. CYNTHIA M. RUFE

**THE BELLWETHER PARTIES' JOINT STIPULATION RELATED TO A
STAY OF PROCEEDINGS PENDING RULE 23(F) APPEALS**

WHEREAS, on March 21, 2025, Bellwether Defendants¹ filed Rule 23(f) Petitions seeking review of the Court's Class Certification Orders by the United States Court of Appeals for the Third Circuit. *See In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clobetasol)*, No. 25-8008 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clobetasol)*, No. 25-8009 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clomipramine)*, No. 25-8010 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals*

¹ Bellwether Defendants comprise Mylan Inc., Mylan Pharmaceuticals Inc. (collectively, "Mylan Defendants"), Taro Pharmaceuticals U.S.A., Inc., Wockhardt USA LLC, Morton Grove Pharmaceuticals, Inc, Actavis Holdco U.S., Inc., and Actavis Pharma, Inc.

Pricing Antitrust Litigation (End-Payer Clomipramine), No. 25-8011 (3d Cir. Mar. 21, 2025), ECF No. 1.

WHEREAS, on June 17, 2025, the Third Circuit granted Bellwether Defendants' Petitions. *See In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clobetasol)*, No. 25-8008 (3d Cir. June 17, 2025), ECF No. 28; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clobetasol)*, No. 25-8009 (3d Cir. June 17, 2025), ECF No. 47; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clomipramine)*, No. 25-8010 (3d Cir. June 17, 2025), ECF No. 27; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clomipramine)*, No. 25-8011 (3d Cir. June 17, 2025), ECF No. 36.

WHEREAS, in light of the grants and the pending appeals, Bellwether Defendants, EPPs, and DPPs (together, the "Bellwether Parties") agree to a stay of the proceedings in the EPP and DPP bellwether cases concerning Clobetasol and Clomipramine ("Bellwether Cases"), subject to the terms and exceptions agreed to by the Bellwether Parties and described below.

NOW THEREFORE, the undersigned Bellwether Parties hereby STIPULATE AND AGREE as follows:

1. The proceedings and deadlines in the Bellwether Cases, including all deadlines set in Pretrial Order No. 294 (ECF No. 3282), shall be stayed pending the resolution of the Rule 23(f) appeals accepted by the Third Circuit on June 17, 2025, except that as to the timing of any ruling on summary judgment (and the possibility of further briefing) the parties refer the Court to their letters submitted in May (No. 2:16-CM-27241, ECF Nos. 224 (DPP), 226 (Mylan), 229 (DPP); No. 16-CM-27242, ECF Nos. 408 (EPP), 416 (Actavis));
2. The depositions of Mr. Aigner and Mr. Nesta will be postponed;

3. Mr. Aigner and Mr. Nesta will be made available for deposition on the same scope previously agreed upon by the parties (i.e., to provide testimony relevant to the *Clomipramine* Bellwether Cases) during the Fall of 2025 on dates that are mutually convenient for EPPs, DPPs, Mylan Defendants, and the witnesses and their counsel, likely in September or October;
4. Mylan Defendants will engage with EPPs and DPPs to discuss an additional deposition of Mr. Aigner or Mr. Nesta on drugs other than Clomipramine, subject to the decision by counsel for those individuals. Mylan Defendants will not object to such an additional deposition of Mr. Aigner or Mr. Nesta on the basis that the current fact discovery deadline has passed, to the extent it has passed;
5. This stay shall not affect any of the timing for the class certification notice process that is already in progress (including the current July 1 and July 5, 2025 opt-out deadlines). Bellwether Defendants reserve all rights and have not waived any arguments related to class notice at a future date, including but not limited to, arguments regarding whether the class notice process should be revisited;
6. The stay does not affect any deadlines or discovery related to other actions in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*; and
7. The stay expires upon remand by the Third Circuit, after which the Bellwether Parties shall meet and confer, and within ten (10) days submit to the District Court agreed or competing proposals regarding further proceedings in the subject cases.

IT IS SO STIPULATED.

Dated: June 20, 2025

/s/ Dianne M. Nast

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